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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,350	02/06/2001	Hwang-Sub Kwon	1462-P02409US0	1460

110 7590 04/21/2004

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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,350

Applicant(s)

KWON, HWANG-SUB

Examiner

Arthur Duran

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-12 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg (6,396,531) in view of Itakura (6,351,745).

Claims 1, 5, 6, 8: Gerszberg discloses an advertising method using a public telephone, which connects to a relay server through a communication network, downloads advertisement information from the relay server to perform display of advertisement, the public telephone being installed at an unspecified location and having a sensor for sensing a user being within a sensing range, the method comprising:

a step of checking standard time that counts a waiting period of time of the telephone and checks whether or not the counted time exceeds a preset standard time (col 7, lines 29-45; col 25, line 60col 26, line 8);

a step of performing telephone mode that, if telephone mode is sensed during standard time checking step, retrieves a predetermined guide information concerning the telephone mode, displays the guide information on a display device of the public telephone and, at the same time,

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switches to the telephone mode to perform telephone function (Fig. 44; Fig. 45; Fig. 3a; Fig 14; Fig. 17);

a step of performing advertisement mode that, as the result of the standard period of time checking step, if telephone mode is not sensed until the counted time exceeds the standard period of time, retrieves predetermined advertisement information previously stored and displays it on the display device; a step of switching to telephone mode that, if the telephone mode is sensed during the advertisement mode performing step, cancels the advertisement mode, displays the guide information concerning the telephone mode and, at the same time, switches into the telephone mode (col 3, lines 50-55; col 25, line 60-col 26, line 55; col 26, line 55-col 27, line 9); and

a step of switching to initial mode that, if the sensor senses the user's approaching during the advertisement mode performing step, cancels the advertisement mode and initializes to display an initial screen previously set in the display device (col 3, lines 50-55; col 25, line 60-col 26, line 55; col 26, line 55-col 27, line 9).

Greszberg further discloses a step of checking through the sensor whether or not the user is separated from the public telephone (col 3, lines 50-55).

Greszberg does not explicitly disclose that the proximity sensor can be utilized to change device states in addition to the displaying advertisements when the user is near.

However, Greszberg's further discloses a proximity sensor that can be utilized as input for changing device states (col 1, lines 50-55) and that device can be controlled or programmed to change to a multitude of controllable states depending upon control or input parameters (col 25, line 60-col 27, line 9).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Greszberg's proximity sensor that can be utilized as input for changing device states can be added to the controlled device that changes to a multitude of controllable states depending upon control or input parameters. One would have been motivated to do this in order to provide greater input as to which state will be optimal for the device.

Gerszberg does not explicitly disclose that the telephone is a public telephone.

However, Gerszberg discloses a public telephone network (col 7, lines 38-42) and charging a user for utilizing the telephone services (Fig. 55; col 39, lines 13-20; Fig 3a, item 146; col 12, lines 50-55) and that the telephone can be utilized from a wide variety of locations (col 34, lines 17-21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Greszberg's telephone on a public network that requires payment for utilization of can be a public telephone. One would have been motivated to do this in order to provide more access to the telephone utilization.

Greszberg further discloses profiling a user (Fig. 41; col 5, line 65-col 6, line 5) and that a user can operate from numerous locations (col 34, lines 17-21).

Greszberg does not explicitly disclose a step of counting period of time from the time of the user's separation if the user has departed from the public telephone and checking whether or not the counted time exceeds a preset standard time

However, Itakura discloses a step of counting period of time from the time of the user's separation if the user has departed from the public telephone and checking whether or not the counted time exceeds a preset standard time (Fig. 7-Fig. 10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Itakura's tracking of user utilization of services to Gerszberg's profiling the user and Gerszberg's proximity sensor. One would have been motivated to do this in order to provide better user profiling via further information on user utilization of services or on user utilization of services from specific locations.

Claim 2, 4: Gerszberg and Itakura disclose the advertising method as claimed in claim 1. Gerszberg further discloses that the relay server is connected to an Internet information server or an advertiser server and provided advertisement information from the Internet information server or the advertiser server (col 1, lines 10-21; Fig. 1a; Fig. 1b; col 25, lines 62-67).

Claim 3: Gerszberg discloses an advertising method using a public telephone, which connects to a relay server through a communication network and downloads advertisement information from the relay server in a predetermined period of time to perform display of advertisement, the method comprising:

- a step of counting the predetermined period of time and checking whether the counted time exceeds a preset standard time;
- a step of connecting the public telephone through the communication network to the relay server if the counted time exceeds the standard time;
- a step of checking whether renewed advertisement information exists in the relay server; and
- a step of replacing advertisement information previously stored in the telephone with renewed advertisement information if renewed advertisement information exists in the relay server (col 7, lines 29-45; col 25, line 60col 26, line 8).

Gerszberg does not explicitly disclose that the telephone is a public telephone.

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However, Gerszberg discloses a public telephone network (col 7, lines 38-42) and charging a user for utilizing the telephone services (Fig. 55; col 39, lines 13-20; Fig 3a, item 146; col 12, lines 50-55) and that the telephone can be utilized from a wide variety of locations (col 34, lines 17-21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Gerszberg's telephone on a public network that requires payment for utilization of can be a public telephone. One would have been motivated to do this in order to provide more access to the telephone utilization.

Claim 7: Gerszberg and Itakura disclose the advertising method as claimed in claim 6. Gerszberg further discloses that the initial screen mode is in a state that various service modes provided from the public telephone is displayed on the display device (Fig. 3a; Fig. 17).

3. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg (6,396,531) in view of Nakamura (5,987,424).

Claim 9, 10, 11, 12: Gerszberg discloses a system for providing advertisement and call service using a public telephone, in which a public telephone terminal, a relay server storing advertisement information including advertiser name, an advertiser server and an Internet information server for providing advertisement information to the relay server and communication line provider providing a communication network to the relay server according to a contract of line use with the relay server are connected together through a communication line, wherein the public telephone terminal comprising:

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means for downloading and displaying a number of advertiser names registered in the relay server (Fig. 44; col 7, lines 29-45; col 25, line 60col 26, line 8);

Gerszberg further discloses advertising (col 25, lines 62-67).

Gerszberg further discloses a public telephone network (col 7, lines 38-42) and charging a user for utilizing the telephone services (Fig. 55; col 39, lines 13-20; Fig 3a, item 146; col 12, lines 50-55) and that the telephone can be utilized from a wide variety of locations (col 34, lines 17-21).

Gerszberg further discloses accounting procedures and methods for charging services (Fig. 18; Fig. 20; Fig. 21;).

Gerszberg does not explicitly disclose the user watching advertising in order to pay for services.

However, Nakamura discloses a user requests a request signal of free-call (col 1, line 65-col 2, line 4).

Nakamura further discloses means for counting the selected number of each advertiser name if the user selects the advertiser names over predetermined number of the plurality of advertiser names displayed on the advertiser display means, cumulatively calculating and, at the same time, retrieving and displaying the previously registered advertisement information corresponding to the selected advertiser names (Fig. 2; Fig. 4; Fig. 9); and means for providing call service if the advertiser names over the predetermined number are selected (col 18, lines 50-col 19, line 2; col 17, lines 10-15).

Nakamura further discloses viewing advertising (Fig. 14, Moving Pictures).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Nakamura's viewing to advertising for free services to Gerszberg's advertising and paid services. One would have been motivated to do this in order to provide an incentive for users to view advertising.

Nakamura further discloses that the call service is a free-call service or that the call service is a discounted (col 1, line 65- col 2, line 4; col 1, lines 10-15).

Nakamura further discloses:

- an advertisement information transmission unit for transmitting advertisement information provided from the advertiser server to the public telephone terminal;
- an advertisement information sorting unit for sorting advertisement information provided from the advertiser server into advertiser list, fixed advertisement information and selected advertisement information and storing them in an advertiser list DB, a fixed ad data DB and a selected ad data DB respectively;
- a cumulative computing unit for accumulating information of the seeing and hearing number of advertisement provided from the public telephone terminal and calculating total seeing and hearing number of advertisement;
- an accounting unit for calculating claimed amount of advertising costs corresponding to the computed seeing and hearing number;
- a billing unit for demanding the claimed amount by advertisement, which is calculated by the accounting unit, to the advertiser server or the Internet information server;
- a central processing unit for controlling all the units, wherein the central processing unit divides advertisement information provided from the advertiser server into fixed advertisement and

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selected advertisement, contracts and demands utility fee in a specified period of time unit in connection with the fixed advertisement, contracts and demands claimed amount by unit according to the seeing and hearing number of advertisement corresponding to the selected advertiser list of various advertiser lists displayed on the public telephone terminal in connection with the selected advertisement; and

wherein the accounting unit, after multiplying the claimed amount by unit according to the seeing and hearing number of the corresponding advertisement, demands amount of money adding contracted payment of fixed advertisement (Fig. 2; Fig. 4; Fig. 9; Fig. 11; Fig. 15; Fig. 20; Fig. 26; Fig. 28).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Giraud (5,966,696) discloses different downloading schedules of advertising;
- b. Cohn (6,704,773) discloses services in exchange for viewing advertising;
- c. Kamel (5,937,037) discloses services in exchange for viewing advertising;
- d. Wheeler (5,583,920) discloses services in exchange for viewing advertising;
- e. Perlman (6,237,039) discloses services in exchange for viewing advertising;
- f. Olshansky (6,493,437) discloses services in exchange for viewing advertising.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

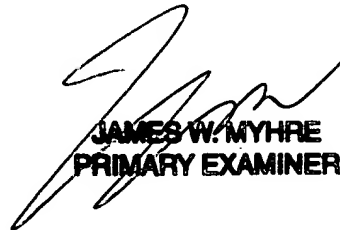
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD

3/24/04


JAMES W. MYHRE
PRIMARY EXAMINER